



Unconfirmed Extracts of Minutes of Proceedings of the Legislation Review Committee (No. 34)

1:30 PM, Tuesday 19 March 2013
Room 1254
Parliament House

Members Present

Mr Bromhead (Chair), Mr Edwards, Mr Flowers, Ms Mihailuk, Mr Moselmane and Mr Shoebridge.

1. Apologies

Dr Lee and Dr Phelps.

2. Confirmation of Minutes

Resolved, on the motion of Mr Edwards:

"That the minutes of the meeting held on 12 March 2013 be confirmed and tabled, and that appropriate minute extracts of this meeting be published on the Committee's website."

3. Consideration of Bills without comment

Resolved, on the motion of Mr Flowers:

"That the Committee makes no comment under section 8A (1) of the *Legislation Review Act 1987* in relation to the following Bills:

- **Election Funding, Expenditure and Disclosures Amendment (Administrative Funding) Bill 2013**
- **Parliamentary Budget Officer Amendment Bill 2013"**

4. Consideration of Bills with comment (made under section 8A(1) of the Legislation Review Act 1987)

- **Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill 2013 and Evidence Amendment (Evidence of Silence) Bill 2013**

Mr Shoebridge moved that the draft report on *Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill 2013 and Evidence Amendment (Evidence of Silence) Bill 2013* be amended to include the following words:

'The Committee considers that the loss of the 400 year right to silence is a substantial trespass on a citizen's rights and liberties, and refers this matter to Parliament.'

Discussion ensued. Question put.

The Committee divided.

Ayes: (Mr Shoebridge, Ms Mihailuk and Mr Moselmane)

Noes: (Mr Bromhead, Mr Edwards and Mr Flowers)

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Mr Shoebridge moved that the draft report on the *Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill 2013 and Evidence Amendment (Evidence of Silence) Bill 2013* be amended to include the following words:

'The Committee notes its serious concerns that the proposed pre-trial procedure seriously impinges on the basic principle that the prosecution is required to prove its case and a citizen is not required to prove his or her innocence, and refers this matter to Parliament.'

Discussed ensued. Question put.

The Committee divided.

Ayes: (Mr Shoebridge, Ms Mihailuk, and Mr Moselmane)

Noes: (Mr Bromhead, Mr Edwards, and Mr Flowers)

There being an equality of votes, question resolved in the negative on the casting vote of the Chair.

Resolved, on the motion of Mr Flowers:

"That the Committee adopts the draft report on the *Criminal Procedure Amendment (Mandatory Pre-trial Defence Disclosure) Bill 2013 and Evidence Amendment (Evidence of Silence) Bill 2013*."

- **Health Legislation Amendment Bill 2013**

Resolved on the motion of Mr Edwards:

"That the Committee adopts the draft report on the *Health Legislation Amendment Bill 2013*

- **Independent Commission Against Corruption and Other Legislation Amendment Bill 2013**

Resolved, on the motion of Mr Flowers:

"That the Committee adopts the draft report on the *Independent Commission Against Corruption and Other Legislation Amendment Bill 2013*"

5. Legislation Review Digest

Resolved on the motion of Mr Edwards:

"That the Committee adopts the Legislation Review Digest No 33 and that it be signed by the Chair and presented to the House."

6. General Business

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7. Next meeting

The Committee was adjourned at 1:40PM until 1:30 PM on Monday 25 March 2013 in Room 1254.

Chair

Inquiry Manager